

**U.S. District Court  
Eastern District of California – Live System (Sacramento)  
CIVIL DOCKET FOR CASE #: 2:09-cv-02137-JAM-CMK**

Austin, et al., v. Evans &Luptak, et al.,  
Assigned to: Judge John A. Mendez  
Referred to: Magistrate Judge Craig M. Kellison  
Demand: \$4,000,000  
Case in other court: Siskiyou County Superior Court,  
SCSCCVCV0900008090  
Cause: 28:1332 Diversity – Legal Malpractice

Date Filed: 07/31/2009  
Date Terminated: 10/20/2009  
Jury Demand: Defendant  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Diversity

**Plaintiff**

**Wayne Austin**

represented by **John Dugan Douglas Barr**  
Barr and Mudford  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Kaye Austin**

represented by **John Dugan Douglas Barr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Troy Douglas Mudford**  
(See above for address)  
*LEAD ATTORNEY*  
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V.

**Defendant**

**Evans &Luptak, PLC**

represented by **Peter Nixon Brewer**  
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**Julia M. Wei**  
 Law Office of Peter N. Brewer  
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 Palo Alto , CA 94306  
 650-327-2900  
 Email: julia@brewerfirm.com

**Defendant**

**Michael J. Mehr**

represented by **Peter Nixon Brewer**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Julia M. Wei**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/03/2009	<u>1</u>	CIVIL COVER SHEET by Michael Mehr (Brewer, Peter) (Entered: 07/31/2009)
08/03/2009	<u>2</u>	NOTICE of REMOVAL from Siskiyou, case number SCSCCVCV0900008090. by Michael Mehr. (Attachments: # <u>1</u> Statement Demand for Jury Trial, # <u>2</u> Statement Certificate of Service)(Brewer, Peter) Modified on 8/3/2009 (Benson, A.). (Entered: 07/31/2009)
08/03/2009	<u>3</u>	RECEIPT number #CAE200018854 \$350.00 fbo Evans and Luptak by Peter N. Brewer on 8/3/2009. (Benson, A.) (Entered: 08/03/2009)
08/03/2009	<u>4</u>	CIVIL NEW CASE DOCUMENTS ISSUED; (Attachments: # <u>1</u> Consent Forms, # <u>2</u> Order Re Page Limits, # <u>3</u> VDRP Forms) (Benson, A.) (Entered: 08/03/2009)
08/05/2009	<u>5</u>	CERTIFICATE of SERVICE by Evans &Luptak, PLC, Michael J. Mehr re <u>4</u> Civil New Case Documents for JAM. (Brewer, Peter) (Entered: 08/05/2009)
08/24/2009	<u>6</u>	MOTION Transfer Venue 1404(a) by Evans &Luptak, PLC, Michael J. Mehr. Attorney Wei, Julia M. added. Motion Hearing set for 10/7/2009 at 09:00 AM in Courtroom 6 (JAM) before Judge John A. Mendez. (Attachments: # <u>1</u> Declaration of M. Mehr)(Wei, Julia) (Entered: 08/24/2009)
08/24/2009	<u>7</u>	REQUEST for JUDICIAL NOTICE by Evans &Luptak, PLC, Michael J. Mehr in re <u>6</u> Motion for Miscellaneous Relief,. (Attachments: # <u>1</u> Exhibit 1a, # <u>2</u> Exhibit 1b, # <u>3</u> Exhibit 1c, # <u>4</u> Exhibit 1, # <u>5</u> Exhibit 2)(Wei, Julia) (Entered: 08/24/2009)
08/24/2009	<u>8</u>	MOTION to CHANGE VENUE ( <i>Notice</i> ) by Evans &Luptak, PLC, Michael J. Mehr. Motion Hearing set for 10/7/2009 at 09:00 AM in Courtroom 6 (JAM) before Judge John A. Mendez. (Wei, Julia) Modified on 10/20/2009 (Owen, K). (Entered: 08/24/2009)
08/26/2009	<u>9</u>	

		DECLINE to PROCEED BEFORE US MAGISTRATE JUDGE by Evans &Luptak, PLC, Michael J. Mehr. (Wei, Julia) (Entered: 08/26/2009)
09/16/2009	<u>10</u>	OPPOSITION by Wayne Austin, Kaye Austin to <u>8</u> MOTION to CHANGE VENUE ( <i>Notice</i> ), <u>6</u> MOTION Transfer Venue 1404(a) MOTION Transfer Venue 1404(a). Attorney Barr, John Dugan Douglas added. (Attachments: # <u>1</u> Declaration Declaration of Kaye Austin in Support of Opposition to Motion to Transfer)(Barr, John) (Entered: 09/16/2009)
09/22/2009	<u>11</u>	REQUEST for <i>Telephonic Appearance</i> by Wayne Austin, Kaye Austin. (Barr, John) (Entered: 09/22/2009)
09/23/2009	<u>12</u>	MINUTE ORDER: re <u>11</u> Request to appear telephonically for 10/7/2009 at 9 a.m. hearing is approved. Counsel shall contact the Court's clerk, Harry Vine, to provide the telephone number counsel may by directly contacted at the time of the hearing. Mr. Vine can be reached at 916-930-4091 or hvine@caed.uscourts.gov. (TEXT ENTRY ONLY) (Vine, H) (Entered: 09/23/2009)
09/25/2009	<u>13</u>	REPLY by Evans &Luptak, PLC, Michael J. Mehr in Support of <u>8</u> Motion to Change Venue. (Wei, Julia) Modified on 9/29/2009 (Engbretson, K.). (Entered: 09/25/2009)
10/07/2009	<u>14</u>	MINUTES (Text Only) for proceedings held before Judge John A. Mendez: MOTION HEARING held on 10/7/2009 ; Motions terminated: <u>8</u> MOTION to CHANGE VENUE filed by Michael J. Mehr, Evans &Luptak, PLC, <u>6</u> MOTION Transfer Venue 1404(a) MOTION Transfer Venue 1404(a) filed by Michael J. Mehr, Evans &Luptak, PLC ; granting <u>6</u> Motion ; granting <u>8</u> Motion to Change Venue. Counsel for defendant to submit proposed order for the court's review. Plaintiffs Counsel D. Barr via phone conf. present. Defendants Counsel J. Wei present. Court Reporter: K. O'Halloran. (Vine, H) (Entered: 10/07/2009)
10/16/2009	<u>15</u>	PROPOSED ORDER Granting Defendant's Motion to Transfer Venue by Evans &Luptak, PLC, Michael J. Mehr. (Wei, Julia) (Entered: 10/16/2009)
10/16/2009	<u>16</u>	CERTIFICATE of SERVICE by Evans &Luptak, PLC, Michael J. Mehr re <u>15</u> Proposed Order. (Wei, Julia) (Entered: 10/16/2009)
10/19/2009	<u>17</u>	PROPOSED ORDER Granting Defendant's Motion to Transfer Venue by Evans &Luptak, PLC, Michael J. Mehr. (Wei, Julia) (Entered: 10/19/2009)
10/20/2009	<u>18</u>	ORDER signed by Judge John A. Mendez on 10/19/09 GRANTING <u>8</u> Motion to Transfer Venue; entire action is transferred to Michigan. (Owen, K) (Entered: 10/20/2009)